

REMARKS

Applicants submit these Remarks in reply to the Office Action mailed July 18, 2011. Claims 23, 25-28, 30-33, 35-38, 40-42, and 44 are currently pending in this application, of which claims 23, 33, and 44 are independent.

In the Office Action, the Examiner rejected claims 23, 25-28, 30-33, 35-38, 40-42, and 44 under 35 U.S.C. § 102(b) as being anticipated by WO 02/104055 ("*Barbaresi*"). By this Amendment, Applicants amend independent claims 23, 33, and 44. No new matter is added by this Amendment.

Applicants respectfully traverse all pending rejections for at least the reasons discussed below.

I. Claim Rejections Under 35 U.S.C. § 102(b) Based on *Barbaresi*

Applicants respectfully traverse the Examiner's rejection of claims 23, 25-28, 30-33, 35-38, 40-42, and 44 under 35 U.S.C. § 102(b) because the cited reference, *Barbaresi*, does not anticipate those claims, as amended.

To establish that a single reference anticipates Applicants' claims under 35 U.S.C. § 102, the Examiner must show that it discloses the "identical invention . . . in as complete detail as is contained in the . . . claim." See M.P.E.P. § 2131, quoting *Richardson v. Suzuki Motor Co.*, 868 F.2d 1126, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989). Additionally, the "elements must be arranged as required by the claim." See M.P.E.P. § 2131, citing *In re Bond*, 910 F.2d 831, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990). As shown below, *Barbaresi* does not independently disclose the identical invention as claimed.

For example, amended independent claim 22 recites “modeling, on the digital computer, the mobile terminal devices as a grouping of modules simulating behavior of different protocol layers present in the mobile terminal devices, wherein the modules comprise,” among other things, “core network modules being used interchangeably by each of the plurality of different telecommunication systems but with partly different operation for each of the plurality.” *Barbaresi* does not disclose at least this subject matter.

Barbaresi is directed to a “system for simulating the behavior of a network of mobile radio telecommunications apparatuses.” *Barbaresi*, p. 4, ll. 4-9. According to *Barbaresi*, “the system allows the simulation of networks where different cellular telephone systems are operating, such as GSM, GPRS and/or UMTS, and/or different technological implementations, and an easy comparison of their performance.” *Id.*, p. 3, ll. 21-24. *Barbaresi*’s simulated network of mobile devices may comprise devices representative of the different cellular telephone systems, such as GSM_MS, which represents a cellular telephone of GSM type, and GPRS_MS, which represents a cellular telephone of GPRS type. See *id.*, p. 7, ll. 11-19. Further, GSM_MS and GPRS_MS devices comprise modules representative of the protocol layers managed by those devices. See, e.g., *id.*, p. 7, ll. 26-27, p. 8, ll. 26-28.

Unlike *Barbaresi*, Applicants’ amended independent claims recite modeling mobile terminal devices using, among other things, “core network modules being used interchangeably by each of the plurality of different telecommunication systems but with partly different operation for each of the plurality.” In an exemplary embodiment, core network modules “serve interworking functions between the application modules and

the radio access modules.” See Applicants’ Specification ¶ [0035]. Further, these modules in the exemplary disclosed embodiments are “common to the GSM/GPRS and UMTS systems” and have “mutually equivalent operation” within those systems. See *id.* ¶¶ [0035], [0073].

In the Office Action, the Examiner asserts that *Barbaresi* discloses the claimed subject matter in its discussion of the GSM_MS and GPRS_MS devices. Office Action at 2, 4. Specifically, the Examiner states that “even though each of the modules (GSM_MS and GPRS_MS) that implement protocol layers are specific to particular types of telecommunication systems, they provide the same function for each of the telecommunication systems (thus, the two network modules have partly different operations).” *Id.* at 2 (emphasis in original). Yet, as the Examiner appears to acknowledge, *Barbaresi* fails to disclose that the GSM_MS and GPRS_MS devices, or the modules used by those devices, are “core network modules being used **interchangeably** by [the GSM and GPRS] telecommunication system.” Rather, the GSM_MS and GPRS_MS devices disclosed in *Barbaresi* comprise modules designed for use specifically with either the GSM or GPRS system, such as GSM_ms_PHY and GSP_ms_rr for GSM systems, and GPRS_MS_PHY and GPRS_MS_RR for GPRS systems. No part of *Barbaresi* appears to disclose that these modules are interchangeable between GSM and GPRS systems. Therefore, *Barbaresi* fails to disclose or render obvious “core network modules being used interchangeably by each of the plurality of different telecommunication systems but with partly different operation for each of the plurality,” as recited in amended independent claims 23, 33, and 44.

In view of at least the above-noted patentable differences between claims 23, 33, and 44 and *Barbaresi*, the Office Action has not established that *Barbaresi* independently discloses the identical invention as claimed. Accordingly, Applicants respectfully submit that independent claims 23, 33, and 44 are not anticipated or rendered obvious by *Barbaresi*. Claims 25-28, 30-32, 35-38, and 40-42 depend directly or indirectly from one of claims 23 or 33 and, therefore, are also not anticipated or rendered obvious by *Barbaresi*. Accordingly, Applicants respectfully request withdrawal of the rejection under 35 U.S.C. § 102(b) of claims 23, 25-28, 30-33, 35-38, 40-42, and 44.

II. Conclusion


In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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